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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/641,570	08/18/2000	Christoph Ullman	A-7167	6764

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EXAMINER

NGUYEN, TUAN M

ART UNIT PAPER NUMBER

2828

DATE MAILED: 01/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/641,570

Applicant(s)

ULLMAN ET AL. 

Examiner

Tuan M Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


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Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 43-86 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding to claims 43-86 are narrative confusing, vague and indefinite.

For example, claim 83 recites an active layer in a common plane without the recitation of any related laser diode structure. The claim fails to define a common plane with respect to the active layer. It is not clear as how the active layer is connected to the common plane. The claim further recited a fast axis (x-axis) and a slow axis (x-axis) following one another and spaced apart from another without the recitation of any elements or structure in order to define the fast axis and the slow axis as stated on the same x-axis. The claim further recites at least one optics which extends in the slow axis (x-axis) which follow the at least one row of emitter elements in a beam direction and which acts as a fast axis collimator and a slow axis collimator. The claim fails to define the structural relationship between the active layers, the at least one correction optics, the at least one row of emitter elements and any collimator optics which forms the fast axis collimator and a slow axis collimator. The claim fails to define a clear structure in order to clearly define as how the fast axis collimator and the slow axis collimator are configured. The claim further recites that the at least one correction optics are segmented at least in apart which acts as the fast axis collimator such that its comprises a plurality of correction optic segmented

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which follow one another in the slow axis (x-axis). The claim fails to define as how the at least one correction optics are related to the at least one row of emitter elements and the collimators. The claims are written in such a narrative way. The claims are apparent literal translation from the foreign application which the claims fail to comply with the 35 USC 112, 2nd paragraph.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 43-86 are rejected under 35 U.S.C. 102(b) as being anticipated by Krause et al ('794).

With respect to claims 83-86, Krause et al show in figures 9 and 10 laser diode arrangement (2a) comprising at least one row of emitter elements which emit laser light and which are arranged in the at least one row with an active layer in a common plane (y-z plane) perpendicular to a fast axis (6), and in a direction of a slow axis (17) following one another and spaced apart from another, optical arrangement (19), includes a plurality of correction optics segments (20, 21) are cylinder lens, said correction optics segment of the fast axis being individual adjusted and fixed independently, optical means (7) consist of plate fans (8, 9) as show in figures 1-2, note col. 3 line 53 to col. 7 line 42.

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With respect to claims 43 - 47, Krause et al discloses laser diode arrangement (2a), correction optics (19) are formed by at least one lens element comprises an entry side (20, 21) with a cylinder lens, note col. 6, see figs 9-10.

With respect to claims 48-50, Krause et al discloses laser diode arrangement (2a), a correction optics (19) segmented that are adjusted and fixed independently of one another and comprises at least two correction optics (20, 21), note cols. 6-7, see figs. 9-10.

With respect to claims 51-55, Krause et al discloses the correction optics collimates or shapes beams of the at least one row of emitter elements into beams which are parallel of roughly parallel to one another in the plane of the slow axis and adjoin one another in the direction of the slow axis without overlapping one another, note col. 4 line 5 to col. 9 line 14.

With respect to claims 56-57, Krause et al discloses the fast axis collimator (6) and slow axis collimator (17) in the formed of cylinder lens, see figs 7-8.

With respect to claim 58, Krause et al discloses the beam path following the at least one correction optics there is focusing optics (18) for focusing beams of the emitter elements at a common focus, note col. 3 line 30 to col. 7 line 41.

With respect to claims 59-61, Krause et al discloses segmented part has from two to five segmented, and the connection area or gap between two segmented which follow one another between two emitter elements, wherein a part of the at least one correction optics which acts as the slow axis collimator is located in a plane (E), note cols 4-6, see fig. 1-8.

With respect to claims 62-82, Krause et al discloses all limitations in col. 2 line 37 to col. 10 line 14, see figs 1-12.

Response to Arguments

3. Applicant's arguments with respect to claims 43-86 have been considered but are moot in view of the new ground(s) of rejection.

Citation Of The Pertinent References

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patent to Van Tran (US patent 6,301,054) discloses optical element for multiple beam separation control.

The patent to Beckmann (US patent 5,784,203) discloses method and apparatus for combining the radiation output from a linear array of radiation sources.

The patent to Goering et al (US patent 6,337,873) discloses optical arrangement for balance the beam of one or more high power diode laser arranged one above another.

The patent to Hildebrandt (US patent 6,400,512) discloses refractive/reflective optical element multiple beam spacer.

The patent to Lee et al (US patent 6,088,170) discloses optical system for shaping light beams and an optical pickup employing the same.

Communication Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan M Nguyen whose telephone number is (703) 306-0247. The examiner can normally be reached on 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the

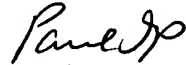
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organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3329.



Paul Ip

SPE

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TMN

January 22, 2003